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## RECENT CASES.

### CONSTITUTIONAL LAW.

*Eminent Domain—Taking Private Property without Compensation or Due Process.*—*Dilworth v. State*, 36 S. W. Rep., 274 (Tex.). A statute making it a misdemeanor to build or maintain a fence three miles long without a gate is unconstitutional, for it impliedly creates a public right of way, through these gateways, across the land, without making provision for recompense to the owner or for condemning the property for this public use.

*Equal Protection of Laws—License Tax.*—*In re Yot Sang*, 75 Fed. Rep. 983 (Mont.). The Fourteenth Amendment to the Constitution of the United States provides that, "No State shall deny to any person within its jurisdiction the equal protection of the laws," and a Montana statute imposing a license tax of but \$15 per quarter upon steam laundries, while levying a tax of \$25 per quarter on every laundry business other than that of a steam laundry wherein more than one person is employed or engaged, is a violation of this provision and consequently void.

### CONTRACTS.

*Claims against Decedent Estate—By Daughter—Implied Contract.*—*Arnold et al. v. Wise's Adm'r et al.*, 37 S. W. Rep. 83 (Ky.). Upon the request of her father, the plaintiff and her son left the boarding place provided by her husband, and lived seven years with her father, until his death. Held, that there being no actual contract the facts in the case do not authorize the Court to infer or presume a contract to pay her for her services.

*Contract of Sale—Unauthorized Act of Agent—Recision by Purchaser—Placing Vendor in statu quo—Public Policy—Collateral Agreement.*—*Rackemann v. Riverbank Imp. Co.*, 44 N. E. Rep. 990 (Mass.). Where an agent employed to sell transcends his authority by promising a purchaser that adjacent lots will not be sold at less than a certain figure, which promise is subsequently broken, the purchaser may effect through equity a recision of the contract, provided the vendor may be put in his original position. And the fact that the purchaser has had possession and enjoyment for nearly a year is immaterial. Such a promise by the agent is construed to be only for a reasonable time and is not contrary to public policy. It is a collateral promise and may be proved by parol.